



	:	STATE OF NEW JERSEY
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	:	FINAL ADMINISTRATIVE ACTION
	:	OF THE
In the Matter of M.D.N., County	:	CIVIL SERVICE COMMISSION
Correction Officer (S9999R), Hudson	:	
County	:	
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	:	
CSC Docket No. 2017-2365	:	Medical Review Panel
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ISSUED: June 14, 2019 (BS)

M.D.N. appeals his rejection as a County Correction Officer candidate by Hudson County, and its request to remove his name from the eligible list for County Correction Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on February 23, 2018, which rendered its report and recommendation on February 23, 2018. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that the report of Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority) characterized the appellant as presenting significant problems, including poor integrity, poor dutifulness, impulse dyscontrol, and poor judgment. During the interview, the appellant made clear efforts to minimize and/or evade responsibility for his difficulties. Dr. Gallegos noted that the appellant had a significant criminal history, financial issues and bankruptcy, a five day suspension from his job as an EMT for being involved in a motor vehicle accident, and was given an Other Than Honorable Discharge from the U.S. Marine Corps for being AWOL. The psychological test data supports Dr. Gallegos' conclusions about the appellant. Accordingly, Dr. Gallegos failed to recommend the appellant for employment as a County Correction Officer.

Dr. Devandra Kurani (evaluator on behalf of the appellant) carried out a psychiatric evaluation of the appellant and characterized the appellant as being “a hard working college graduate who is interested in a career in law enforcement. Dr. Kurani disputed whether the appellant’s behavior record constituted a “significant criminal history.” Dr. Kurani opined that “[c]ouples who are breaking up have filed charges more on emotion than any factual basis.” Dr. Kurani concluded that there was psychological basis to prevent him from performing the essential duties of a County Correction Officer and recommended that the appellant be restored to the subject eligible list.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel noted that the negative recommendations found support in the appellant’s poor integrity, poor dutifulness, impulse dyscontrol, and poor judgment. However, the Panel expressed concerns about the truthfulness of the appellant’s responses concerning his five day suspension from his job as an EMT stating that he was “not at fault” for the accident. The Panel also noted that the appellant was not forthcoming to the Panel in that failed to disclose that he was actually suspended three times as a result of motor vehicle accidents. The Panel also noted the appellant’s three arrests and less than honorable discharge from the military for going AWOL in order to pursue his girlfriend after she left her parents’ home, all of which were illustrative of poor judgment. The Panel found the appellant’s presentation and the test results to be consistent with the concerns cited by Dr. Gallegos in his report. Accordingly, the Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for County Correction Officer, indicate that the candidate is mentally unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In his exceptions, the appellant asserts that his girlfriend had made “false allegations” against him and that the court restored his right to bear arms as he had “no violent history, proof of bad character,” or that he was a danger to himself or the community. The appellant contends that the appointing authority was aware of his history prior to extending its conditional offer of employment and argues that Dr. Gallegos’ assessment was “not accurate.” With regard to his motor vehicle accidents at work and subsequent suspensions, the appellant contends any employee involved in an accident with a city vehicle while at work “will automatically receive a suspension regardless who is at fault” for the accident. The appellant claims that he did not mention the other two accidents because he “simply forgot” about them and that traffic accidents were “not related to [his] character or work conduct.” The appellant disputes the professionalism of Dr. Gallegos and alleges that Dr. Gallegos “expressed impulsiveness, rudeness, profanity, and unprofessional” behavior during the entire interview and he accuses Dr. Gallegos of not being “truthful.” The appellant charges that Dr. Gallegos displayed symptoms

of “burn out” which the appellant attributed to being “overly exhausted” from 20 years of experience evaluating applicants. Accordingly, the appellant argues that he should be restored to the subject eligible list.

CONCLUSION

The Class Specification for the title of County Correction Officer is the official job description for such positions within the civil service system. According to the specification, officers are responsible for the presence and conduct of inmates as well as their safety, security and welfare. An officer must be able to cope with crisis situations and to react properly, to follow orders explicitly, to write concise and accurate reports, and to empathize with persons of different backgrounds. Examples of work include: observing inmates in a variety of situations to detect violations of institutional regulations; escorting or transporting individual and groups of inmates within and outside of the institution; describing incidents of misbehavior in a concise, factual manner; following established policies, regulations and procedures; keeping continual track of the number of inmates in his or her charge; and performing regular checks of security hazards such as broken pipes or windows, locks that were tampered with, unlocked doors, etc.

The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant’s ability to effectively perform the duties of the title. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators, as well as the appellant’s demeanor and responses before the Panel, prior to rendering its own conclusions and recommendations, which are based firmly on the totality of the record presented to it. The exceptions filed on behalf of the appellant do not persuasively dispute the findings of the Panel, which are firmly based not only on the Panel’s own review of the results of the tests administered to the appellant by both sets of evaluators, but also on an assessment of the appellant’s presentation before it. In this regard, the Commission shares the concerns about the appellant’s poor integrity, poor dutifulness, impulse dyscontrol, and poor judgment as expressed by the Panel.

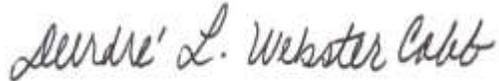
Having considered the record and the Medical Review Panel’s report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel’s report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that M.D.N. is psychologically unfit to perform effectively the duties of a County Correction Officer and, therefore, the Commission orders that his name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF JUNE, 2019



Deirdre L. Webster Cobb
Chairperson, Civil Service Commission

Inquiries
and
Correspondence:

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: M.D.N.
Louis C. Rosen, Deputy County Counsel
Kelly Glenn